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EXAMINER	
FORMAN, BETTY J	
ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/500,555	STUELPNAGEL ET AL.	
	Examiner	Art Unit	
	BJ Forman	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,18-27 and 44-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,18-27 and 44-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

FINAL ACTION

1. This action is in response to papers filed 12 July 2002 in Paper No. 11 in which claims 1-3, 5, 18 and 23 were amended and claims 48-49 were added.

On page 2 of the response, Claim 2 is not indicated as being amended. However, according to the VERSION SHOWING CHANGES MADE, page 13 and PENDING CLAIMS, page 17, Claim 2 has been amended to replace "each" with "at least one of said". Because Claim 2 is not indicated as being "amended" on page 2, the amended to Claim 2 has not been entered. The remaining amendments have been thoroughly reviewed and entered.

The previous rejections in the Office Action of Paper No. 9 dated 4 February 2002 are withdrawn in view of the amendments. All of the arguments have been thoroughly reviewed but are deemed moot in view of the amendments, withdrawn rejections and new grounds for rejection. New grounds for rejection are discussed.

Currently claims 1-12, 18-27 and 44-49 are under prosecution.

Specification

2. The amendment to the first paragraph of the specification is acknowledged.

Priority

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged. The Provisional Application filed 9 February 1999 upon which priority is claimed does, as pointed to by Applicant, provide adequate support under 35 U.S.C. 112 for the pending claims of the

instant application. The effective filing date for the pending claims 1-12 and 18-27 is the filing date of the provisional application i.e. 9 February 1999.

Claim Objections

4. Claims 48 and 49 objected to because the claims are drawn to the method according to claim 1 or 18. However, Claim 1 is drawn to an array , not a method. Therefore, Claims 48 and 49 incorrectly reference Claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-6, 8-10, 18-23, 25-27 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walt et al. (U.S. Patent No. 6,327,410 B1, filed 11 September 1998) in view of Brenner (U.S. Patent No. 5,863,722, filed 7 June 1995).

Regarding Claim 1, Walt et al. teach an array composition comprising: a substrate with a surface comprising: discrete sites; a population of microspheres comprising at least a first and a second subpopulation wherein each subpopulation comprises a bioactive agent, wherein said microspheres are distributed on said surface (Column 3, lines 35-45) and wherein the array comprises at least one fiducial i.e. marker bead (Column 19, lines 2-5) wherein

additional, non-optical signature encoding, is used e.g. size, shape and/or dimension of the microspheres and/or optical fibers (Column 19, lines 6-30) but they do not specifically teach at least one microsphere subpopulation does not have an optical signature. However, microspheres without optical signatures were well known in the art at the time the claimed invention was made as taught by Brenner et al. who teach a similar array composition comprising: a substrate with a surface comprising discrete sites; and a population of microspheres comprising at least a first and second subpopulation wherein each subpopulation comprises a bioactive agent wherein the microspheres are distributed on said surface wherein the microsphere does not comprise an optical signature and wherein microspheres size and shape are selected based on experimental design (Column 9, lines 62-65; Column 19, line 20-49; and Column 21, line 15-Column 22, line 61). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the microspheres not having an optical signature as taught by Brenner et al and the non-optical signature encoding taught by Walt et al to the microsphere compositions of Walt et al and to provide at least one subpopulation of microsphere without an optical signature thereby eliminating the need to provide optical signatures on all the microspheres for the obvious benefits of simplicity. One skilled in the art would have been further motivated to modify the microspheres of Walt et al by replacing the optical signature microspheres of one subpopulation with non-labeled microspheres to be used to detect labeled targets wherein only microspheres bound to labeled targets are detected for the obvious benefits of target-specific detection.

Regarding Claim 2, Walt et al. teach the array wherein each subpopulation comprises a unique optical signature (Column 3, lines 40-42).

Regarding Claim 3, Walt et al. teach the array wherein each subpopulation comprises an identifier binding ligand that will bind a decoder binding ligand such that the identification of the bioactive agent can be elucidated (Column 7, line 55-Column 8, lines 19).

Regarding Claim 4, Walt et al. teach the array wherein said substrate is a fiber optic bundle (Column 5, lines 24-31) and the fiducial is a fiducial fiber i.e. fiber having a different diameter (Column 19, lines 13-15).

Regarding Claim 5, Walt et al. teach the array wherein said substrate is a fiber optic bundle (Column 5, lines 24-31) and said array comprises at least three non-linear fiducials each of which is a fiducial fiber i.e. the fiducial fibers of differing size denote subarrays and the array of Walt et al comprises at least three sub-arrays (Column 18, line 65-Column 19, line 2 and lines 13-15).

Regarding Claim 6, Walt et al. teach the array wherein said fiducial has a different shape i.e. fiber having a different diameter (Column 19, lines 13-15).

Regarding Claim 8, Walt et al. teach the array wherein the fiducial is a fiducial bead i.e. marker bead (Column 19, lines 2-5).

Regarding Claim 9, Walt et al. teach the array wherein said bioactive agents are nucleic acids (Column 9, lines 41-43).

Regarding Claim 10, Walt et al. teach the array wherein said bioactive agents are proteins (Column 8, lines 35-38).

Regarding Claim 18, Walt et al. teach a method of making an array composition comprising: forming a substrate with a surface comprising individual sites; and distributing microspheres on said surface such that said individual sites contain microspheres (Column 17, lines 11-53) wherein said microspheres comprise at least a first and a second subpopulation each comprising a bioactive agent (Column 3, lines 35-45) and incorporating at least one fiducial (Column 19, lines 2-5) wherein additional, non-optical signature encoding, is used e.g. size, shape and/or dimension of the microspheres and/or optical fibers (Column 19, lines 6-30) but they do not specifically teach at least one microsphere subpopulation does not have an optical signature. However, microspheres without optical signatures were well known in the art at the time the claimed invention was made as taught by Brenner et al. who teach a similar

array composition comprising: a substrate with a surface comprising discrete sites; and a population of microspheres comprising at least a first and second subpopulation wherein each subpopulation comprises a bioactive agent wherein the microspheres are distributed on said surface wherein the microsphere does not comprise an optical signature and wherein microspheres size and shape are selected based on experimental design (Column 9, lines 62-65; Column 19, line 20-49; and Column 21, line 15-Column 22, line 61). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the microspheres not having an optical signature as taught by Brenner et al and the non-optical signature encoding taught by Walt et al to the microsphere compositions of Walt et al and to provide at least one subpopulation of microsphere without an optical signature thereby eliminating the need to provide optical signatures on all the microspheres for the obvious benefits of simplicity. One skilled in the art would have been further motivated to modify the microspheres of Walt et al by replacing the optical signature microspheres of one subpopulation with non-labeled microspheres to be used to detect labeled targets wherein only microspheres bound to labeled targets are detected for the obvious benefits of target-specific detection.

Regarding Claim 19, Walt et al. teach the method wherein each subpopulation comprises an identifier binding ligand that will bind a decoder binding ligand such that the identification of the bioactive agent can be elucidated (Column 7, line 55-Column 8, lines 19).

Regarding Claim 20, Walt et al. teach the method wherein each subpopulation comprises a unique optical signature for identification and elucidation of the bioactive agent (Column 13, lines 8-24).

Regarding Claim 21, Walt et al. teach the method wherein said substrate is a fiber optic bundle (Column 5, lines 24-31) and the fiducial is a fiducial fiber i.e. fiber having a different diameter (Column 19, lines 13-15).

Regarding Claim 22, Walt et al. teach the method wherein said substrate is a fiber optic bundle (Column 5, lines 24-31) and said array comprises at least three non-linear fiducials each of which is a fiducial fiber i.e. the fiducial fibers of differing size denote subarrays and the array of Walt et al comprises at least three sub-arrays (Column 18, line 65-Column 19, line 2 and lines 13-15).

Regarding Claim 23, Walt et al. teach the method wherein said fiducial has a different shape i.e. fiber having a different diameter (Column 19, lines 13-15).

Regarding Claim 25, Walt et al. teach the method wherein the fiducial is a fiducial bead i.e. marker bead (Column 19, lines 2-5).

Regarding Claim 26, Walt et al. teach the method wherein said bioactive agents are nucleic acids (Column 9, lines 41-43).

Regarding Claim 27, Walt et al. teach the method wherein said bioactive agents are proteins (Column 8, lines 35-38).

Regarding Claim 44, Walt et al teach the array of Claim 1 wherein said discrete sites are wells (Column 17, lines 38-46).

Regarding Claim 45, Walt et al teach the array of Claim 1 wherein the microspheres are randomly distributed on said substrate (Column 17, lines 47-53).

Regarding Claim 46, Walt et al teach the method of Claim 18 wherein said discrete sites are wells (Column 17, lines 38-46).

Regarding Claim 47, Walt et al teach the method of Claim 18 wherein the microspheres are randomly distributed on said substrate (Column 17, lines 47-53).

Regarding Claim 48, Walt et al teach the array of Claim 1 and the method of Claim 18 wherein the identifier binding ligand is a protein (Column 8, lines 35-38).

Regarding Claim 49, Walt et al teach the array of Claim 1 and the method of Claim 18 wherein the identifier binding ligand is a nucleic acid (Column 9, lines 41-45).

Response to Arguments

7. Applicant argues that Walt et al do not disclose the instantly claimed invention because they do not disclose at least one subpopulation does not have an optical signature. The argument has been considered but is deemed moot in view of the amendments, withdrawn rejections and new grounds for rejection discussed above.

8. Claims 7 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Walt et al (U.S. Patent No. 6,327,410, filed 11 September 1998) in view of Brenner (U.S. Patent No. 5,863,722, filed 7 June 1995) as applied to Claims 1 and 18 above and further in view of Augenlicht (U.S. Patent No. 4,981,783).

Regarding Claim 7, Walt et al. teach an array composition comprising: a substrate with a surface comprising discrete sites; a population of microspheres comprising at least a first and a second subpopulation wherein each subpopulation comprises a bioactive agent, wherein said microspheres are distributed on said surface (Column 3, lines 35-45) and wherein the array comprises at least one fiducial i.e. marker bead (Column 19, lines 2-5) wherein additional, non-optical signature encoding, is used e.g. size, shape and/or dimension of the microspheres and/or optical fibers (Column 19, lines 6-30) wherein the marker bead denotes each subarray, but they do not specifically teach the fiducial is a defined edge of said substrate and they do not specifically teach at least one microsphere subpopulation does not have an optical signature. However, microspheres without optical signatures were well known in the art at the time the claimed invention was made as taught by Brenner et al. who teach a similar array composition wherein the microsphere does not comprise an optical signature and wherein microspheres size and shape are selected based on experimental design (Column 9, lines 62-65; Column 19, line 20-49; and Column 21, line 15-Column 22, line 61). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the microspheres not having an optical signature as taught by Brenner et al and the non-

optical signature encoding taught by Walt et al to the microsphere compositions of Walt et al and to provide at least one subpopulation of microsphere without an optical signature thereby eliminating the need to provide optical signatures on all the microspheres for the obvious benefits of simplicity. One skilled in the art would have been further motivated to modify the microspheres of Walt et al by replacing the optical signature microspheres of one subpopulation with non-labeled microspheres to be used to detect labeled targets wherein only microspheres bound to labeled targets are detected for the obvious benefits of target-specific detection. Additionally, Augenlicht teach similar method comprising: forming a substrate comprising discrete sites; a population of bioactive agents comprising at least a first and second subpopulation of bioactive agents distributed on said surface; and at least one fiducial wherein said fiducial is a defined edge of said substrate wherein the fiducial placement facilitates automated detection and identification of the bioactive agent (Column 8, lines 15-26 and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the fiducial placement taught by Augenlicht to the method of making an array composition of Walt et al and to place the fiducials to define an edge of the array to thereby align the array for detection as taught by Augenlicht (Column 7, lines 33-35) for the expected benefit facilitating detection and identification of the bioactive agent as taught by Augenlicht (Column 8, lines 15-26).

Regarding Claim 24, Walt et al. teach a method of making an array composition comprising: forming a substrate with a surface comprising individual sites; and distributing microspheres on said surface such that said individual sites contain microspheres (Column 17, lines 11-53) wherein said microspheres comprise at least a first and a second subpopulation each comprising a bioactive agent (Column 3, lines 35-45) and incorporating at least one fiducial (Column 19, lines 2-5) wherein additional, non-optical signature encoding, is used e.g. size, shape and/or dimension of the microspheres and/or optical fibers (Column 19, lines 6-30) wherein the marker bead denotes each subarray, but they do not specifically teach the fiducial

is a defined edge of said substrate and they do not specifically teach at least one microsphere subpopulation does not have an optical signature. However, microspheres without optical signatures were well known in the art at the time the claimed invention was made as taught by Brenner et al. who teach a similar array composition wherein the microsphere does not comprise an optical signature and wherein microspheres size and shape are selected based on experimental design (Column 9, lines 62-65; Column 19, line 20-49; and Column 21, line 15-Column 22, line 61). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the microspheres not having an optical signature as taught by Brenner et al and the non-optical signature encoding taught by Walt et al to the microsphere compositions of Walt et al and to provide at least one subpopulation of microsphere without an optical signature thereby eliminating the need to provide optical signatures on all the microspheres for the obvious benefits of simplicity. One skilled in the art would have been further motivated to modify the microspheres of Walt et al by replacing the optical signature microspheres of one subpopulation with non-labeled microspheres to be used to detect labeled targets wherein only microspheres bound to labeled targets are detected for the obvious benefits of target-specific detection. Additionally, Augenlicht teach similar method comprising: forming a substrate comprising discrete sites; a population of bioactive agents comprising at least a first and second subpopulation of bioactive agents distributed on said surface; and at least one fiducial wherein said fiducial is a defined edge of said substrate wherein the fiducial placement facilitates automated detection and identification of the bioactive agent (Column 8, lines 15-26 and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the fiducial placement taught by Augenlicht to the method of making an array composition of Walt et al and to place the fiducials to define an edge of the array to thereby align the array for detection as taught by Augenlicht (Column 7, lines 33-35) for the expected benefit facilitating detection and identification of the bioactive agent as taught by Augenlicht (Column 8, lines 15-26).

Response to Arguments

9. Applicant argues that the examiner has used impermissible hindsight and "common sense" to conclude that the combination of the two references leads to the "the facilitation of detection and identification of the bioactive agent". In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Additionally, the argument is not found persuasive because, as stated in the First Office Action and reiterated above, Augenlicht specifically teaches their fiducials and the placement of the fiducials facilitates detection and identification (Column 7, lines 33-35 and Column 8, lines 15-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the fiducials and their placement for the expected benefits of facilitating detection and identification of the bioactive agent as taught by Augenlicht (Column 7, lines 33-35 and Column 8, lines 15-26).

10. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walt et al. (U.S. Patent No. 6,327,410, filed 11 September 1998) in view of Brenner (U.S. Patent No. 5,863,722, filed 7 June 1995) as applied to Claim 1 above and further in view of Chee et al. (U.S. Patent No. 5,795,716, issued 18 August 1998).

Regarding Claim 11, Walt et al. teach an array composition comprising: a substrate with a surface comprising discrete sites; a population of microspheres comprising at least a first and a second subpopulation wherein each subpopulation comprises a bioactive agent, wherein said microspheres are distributed on said surface (Column 3, lines 35-45) and wherein the array comprises at least one fiducial i.e. marker bead (Column 19, lines 2-5) wherein additional, non-optical signature encoding, is used e.g. size, shape and/or dimension of the

microspheres and/or optical fibers (Column 19, lines 6-30) wherein the marker bead denotes each subarray, but they do not specifically teach the fiducial is a defined edge of said substrate and they do not specifically teach at least one microsphere subpopulation does not have an optical signature. However, microspheres without optical signatures were well known in the art at the time the claimed invention was made as taught by Brenner et al. who teach a similar array composition wherein the microsphere does not comprise an optical signature and wherein microspheres size and shape are selected based on experimental design (Column 9, lines 62-65; Column 19, line 20-49; and Column 21, line 15-Column 22, line 61). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to apply the microspheres not having an optical signature as taught by Brenner et al and the non-optical signature encoding taught by Walt et al to the microsphere compositions of Walt et al and to provide at least one subpopulation of microsphere without an optical signature thereby eliminating the need to provide optical signatures on all the microspheres for the obvious benefits of simplicity. Additionally Walt et al teach the array is analyzed using a computer and computer software which strongly suggests that a computer code receives and registers data images (Column 16, lines 10-20 and 45-49) but they do not specifically teach a computer code receives and registers as first data image. Chee et al. teach an array composition comprising a substrate with a surface comprising discrete sites and a population of bioactive agents (Column 3, lines 34-47) and further comprising computerized analysis using a computer readable memory comprising: a computer code that receives a first data image; and a computer code that registers said first data image (Claim 1). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the composition of Walt et al. with the computer readable memory of Chee et al. and to use the fiducial to position-specifically receive and register a first data image via the computer code for the expected benefit of computer aided improved analysis of bioagents as taught by Chee et al. (Column 1, lines 55-67).

Regarding Claim 12, Chee et al. teach the computer readable memory further comprises a computer code that receives a second data image; a computer code that registers said second data image; and a computer code that compares said first and second data image (Claim 1). It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to further modify the array composition of Walt et al. with the computer readable memory further comprising a computer code that receives and registers a second data image and compares the first and second data images for the expected benefit of allowing image analysis and statistical analysis of multiple data files simultaneously as taught by Chee et al. (Column 22, lines 23-32).

Response to Arguments

11. Applicant argues that Chee et al does not teach or suggest use of microspheres on the surface of substrate or the use of fiducials in an array comprising microspheres and there is no suggestion from either Walt et al or Chee et al to combine their teaching. Hence, Applicant argues, the examiner has used impermissible "common sense" to conclude that the combination of the two references leads to improved analysis of bioagents.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as state in the First Office Action and reiterated above, Chee et al clearly provide motivation to apply their computer code for receiving, registering and comparing data images to the array of Walt et al i.e. their computer code provide improved methods of analyzing assay data (Column 1, lines 55-67) and allows image analysis and statistical analysis of multiple data files simultaneously as taught by Chee et al. (Column 22, lines 23-32).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

13. No claim is allowed.

14. The examiner's Art Unit has changed from 1655 to 1634. Please address future correspondence to Art Unit 1634.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (703) 306-5878. The examiner can normally be reached on 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (703) 308-1152. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

BJ Forman, Ph.D.
Patent Examiner
Art Unit: 1634
October 8, 2002